

MINUTES ADOPTED BY THE CITY COUNCIL

Greenville, NC
November 13, 2003

The Greenville City Council met in a regular meeting on the above date at 7:00 PM in the City Council Chambers, third floor of the Municipal Building, with Mayor Robert D. Parrott presiding. The meeting was called to order, followed by the invocation by Council Member Council and pledge of allegiance to the flag. The following were present.

Mayor Robert D. Parrott
Mayor Pro-Tem Ric Miller
Council Member Mildred A. Council
Council Member Ray Craft
Council Member Pat Dunn
Council Member Rose H. Glover
Council Member Chip Little
Marvin W. Davis, City Manager
Patricia A. Sugg, Deputy City Clerk
David A. Holec, City Attorney

APPROVAL OF AGENDA

City Manager Davis stated that at the November 10, 2003 City Council meeting a request for rezoning Greystone Mobile Home Park had been continued and resolutions abandoning an easement at Monkster's on Greenville Boulevard and an easement at Singleton Office Park had both been approved.

Motion was made by Council Member Craft and seconded by Council Member Council to approve the agenda as presented with the following changes: (1) withdrawal of a rezoning request by Mike Baldwin for the estate of Ed Warren, (2) withdrawal of a rezoning request by Mike Baldwin for the Field of Beans, (3) a presentation of the audit report to be added as item 16A, (4) consideration of a sewer tap beyond the extraterritorial jurisdiction to be added as item 23, (5) consideration of an ordinance changing the meeting time of the City Council's third meeting of the month to be added as item 24, (6) consideration of an amendment to the pay plan to be added as item 25, and (7) add a closed session to the agenda for the purpose of considering the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; and to establish or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the amount of compensation and other material terms of an employment contract or proposed employment contract. Motion carried unanimously.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Community Appearance Commission

Motion was made by Council Member Craft and seconded by Mayor Pro-Tem Miller to appoint Vickie Joyner to fill an unexpired term that expires July 2006 replacing Shane Ernst, who resigned and to appoint Noria Namaz to fill an unexpired term that expires April 2004 replacing Johnny Fleming, who resigned. Motion carried unanimously.

Environmental Advisory Commission

Motion was made by Council Member Glover and seconded by Council Member Miller to appoint Rocky Russell to the vacant slot of “building contractor, land developer, or someone familiar with construction techniques” for a first three-year term that expires April 2006. Motion carried unanimously.

Firemen’s Relief Fund Committee

Motion was made by Council Member Little and seconded by Council Member Glover to appoint Henry McNeese to fill an unexpired term that expires January 2005 replacing Linda Dortch, who resigned. Motion carried unanimously.

Planning and Zoning Commission

Council Member Craft requested that the appointment to replace Jacqueline Myers, who resigned, be continued.

Redevelopment Commission

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Glover to reappoint Britt Laughinghouse to a five-year term that expires November 2008. Motion carried unanimously.

ORDINANCE REZONING JEAN M. AVERETTE AND LINDA M. PERRY PROPERTY, TRACT 1 LOCATED ADJACENT TO THE NORTHERN RIGHT OF WAY OF YORK ROAD, EAST OF LOCKSLEY WOODS CONDOMINIUMS, AND WEST OF YORKSHIRE CLUSTER SUBDIVISION FROM R6 TO R6S AND TRACT 2 LOCATED AT THE SOUTHEAST CORNER OF FOURTEENTH STREET AND YORK ROAD, WEST OF BROOKRIDGE CLUSTER SUBDIVISION, AND NORTH OF QUAIL RIDGE TOWNHOMES, FROM RA-20 TO R6 - ADOPTED

City Manager Davis reported that notice of public hearing was published in The Daily Reflector on August 4 and August 11, 2003 setting this time, date and place for a public hearing to consider a request by Martina Bainbridge, President of the Yorkshire Village Homeowners Association, to rezone Jean M. Averette and Linda M. Perry property containing two tracts totaling 9.9977 acres. Tract 1 located adjacent to the northern right of-way of York Road, east of Locksley Woods Condominiums, and west of Yorkshire Cluster Subdivision from R6 to R6S;

and Tract 2 located at the southeast corner of Fourteenth Street and York Road, west of Brookridge Cluster Subdivision, and north of Quail Ridge Townhomes from RA-20 to R6. The Planning and Zoning Commission voted to recommend approval of the request at its July 15, 2003 meeting. City Manager Davis informed the Council that protest petitions were received and found valid. A super majority vote will be required.

Mr. Harry Hamilton, Senior Planner, delineated the location of the properties on a map and their proximity to Locksley Woods Condominiums, Yorkshire Cluster Subdivision, Brookridge Cluster Subdivision, Quail Ridge Townhomes and Windy Ridge Townhomes. Mr. Hamilton stated that within the immediate area are 491 attached dwellings and 139 cluster single-family dwellings, which is a high concentration of residents.

Mr. Hamilton continued by stating that Tract 1 was rezoned in 1992 from RA20 to R6 as part of a 25.86 acre request. At that time the adjacent 21.6 acre area to the east was rezoned to R6S. Tract 2 was requested for rezoning in 1998 to R6 and was denied. Both Tracts 1 and 2 were proposed for rezoning in 1999 and 2002. The request in 1999 was withdrawn prior to City Council action, and the request in 2002 was denied. A special use permit for Tract 2 to establish a nursing/retirement home was denied by the Board of Adjustment in 1995. Mr. Hamilton informed the Council that a pond located along the western boundary of Tract 1 separates Tract 1 from the Locksley Woods Condominium project and is subject to Tar-Pamlico buffer setbacks. This pond is excluded from the current rezoning request, and the area will remain zoned RA20. Extreme buffers will apply in this case, and a 50-foot setback will be applied to the pond area. If Tract 2 is rezoned R6, no portion of any multi-family development including buildings, parking, recreation areas, drives and so forth can be located within the area that will remain RA20. This will increase the minimum required setback between multi-family and single-family from the standard 20-foot setback that would apply if the entire tract were zoned for multi-family to 101 feet, which is the actual width of the reserved buffer area.

Mr. Hamilton informed the Council that Tract 1 currently zoned R6 could yield 102 combination 1, 2 and 3 bedroom units at 17 multi-family dwellings per acre. It is anticipated that 56 2-3 bedroom units at 9 multi-family dwellings per gross acre would be developed under the existing zoning per an approved site plan for Locksley Woods, Phase 4. The proposed R6S at maximum density could yield between 22 and 33 single-family cluster units if developed as Yorkshire. Tract 2 under the current zoning of RA20 could yield 13 single-family cluster units. Under the proposed R6 zoning the maximum is 66 units at 17 multi-family dwellings per gross acre, but a density more in line with the other developments in the area is anticipated. The Land Use Plan Map currently recommends Tract 1 be developed as medium density residential and Tract 2 be developed as high density residential. Mr. Hamilton stated that City staff is currently going through a process to consider the adoption of a revised Land Use Plan. The revised draft Land Use Plan recommended by the Comprehensive Planning Committee and pending consideration by the Planning and Zoning Commission will recommend medium-density development for both Tracts 1 and 2. The rezoning request is in compliance with the current Land Use Plan but not the proposed draft plan.

Council Member Dunn asked if Mr. Hamilton had indicated that Tract 1 was zoned R6 in 1992 and that single family homes have already been built in the R6 area. Mr. Hamilton stated that

was correct and more than a dozen of the dwellings in Yorkshire are constructed within the R6 portion of the property. Yorkshire is split zoned between R6 and R6S.

Council Member Dunn asked if single-family homes could continue to be built in Tract 1 without any rezoning, and Mr. Hamilton replied yes.

Council Member Little asked if any additional buffer would be required since the pond is zoned RA20 and the proposed zoning for Tract 2 is R6. Mr. Hamilton replied no, as long as the property remained within the current tract. If the tract is subdivided out from the detention pond then an additional 20-foot setback would be required, but this is not anticipated.

Council Member Little asked if the tract below the pond (referring to Quail Ridge) was zoned R6. Mr. Hamilton explained that both Quail Ridge Townhomes and Windy Ridge Townhomes are zoned R6, Tucker East is zoned R9S, and there is R6 zoning to the north of Heritage Village and Locksley Woods.

Mayor Parrott declared the public hearing open and solicited comments from the audience.

Mr. Phil Dixon, representing Yorkshire Village Homeowners Association, spoke in favor of the rezoning request. Mr. Dixon stated that the request is in conformance with the City's Land Use Plan, the Comprehensive Plan and is also compatible with the surrounding zoning patterns.

Ms. Carolyn Strother of 2301 Big Ben Drive informed the Council that there was not a buffer between her lot and the land located behind her lot and that she preferred single-family homes because of the traffic entering and exiting the area.

Mr. Doug Schneider of 2307 Big Ben Drive spoke in favor of the rezoning request. Mr. Schneider stated that his home is located next to Tract 1, and he felt that building patio homes in Tract 1 would provide continuity of similar housing.

Ms. Martina Bainbridge of 2110 Yorkshire Drive stated that as President of Yorkshire Village Homeowners Association she initiated the rezoning request as being in the best interest of the residents of Yorkshire Village, Yorkshire Subdivision and the surrounding neighborhoods. Ms. Bainbridge stated that Yorkshire Village is a very quiet and desirable neighborhood of single-family homes and should continue to grow across Tract 1 to the pond.

Council Member Dunn informed Ms. Bainbridge that she had received a letter from a resident in Yorkshire stating that the majority of the residents residing adjacent to both tracts are in agreement that no multi-family housing units should be placed on either Tract 1 or 2. Council Member Dunn asked Ms. Bainbridge if she thought the letter represented the view of the residents in Yorkshire. Ms. Bainbridge replied that this was not the consensus of the people living in Yorkshire Village.

Ms. Barbara Briley of 2112 Yorkshire Drive explained that the reason residents of Yorkshire Village want multi-family on the corner is because the developer of the property is out of land and now has to move to one tract or the other. If the rezoning does not take place then condominiums will go behind Yorkshire Village.

Mr. Earl Brown representing Dr. and Mrs. Aaron Cotton of 2100 Sir Raleigh Court, Mr. and Mrs. Barry Dixon of 2105 King Lear Court, and Mr. and Mrs. Gerald Charlene Cannon of 2103 King Lear Court spoke in favor of the rezoning request. Mr. Brown stated that the developer has the right to build multi-family units in the back of Yorkshire if the rezoning request does not take place, which will cause additional traffic through the area. Mr. Brown explained that economically the land in the Yorkshire area would become less populated with the developer losing money if he continues to build single-family homes on multi-family real estate. This kind of development will be detrimental to the developer, and economics will drive him to begin building multi-family homes behind Yorkshire. Mr. Brown stated that the City's own recommendation clearly dictates that rezoning will benefit all of the citizens and will have the least negative impact on the area.

Council Member Dunn stated that all along Fourteenth Street there are single-family homes and she was not clear about the issue of economics.

Mr. Brown disagreed and stated that Quail Ridge Townhomes and Windy Ridge Townhomes located on Fourteenth Street are multi-family units.

Mr. Lee West, President of Brookridge Homeowners Association, spoke in opposition of the rezoning. Mr. West stated that the rezoning request has been addressed before the City Council several times since the mid 1990's and has been unsuccessful in being approved. The property owners of Brookridge have opposed this rezoning in the past and oppose the current request. The homeowners are concerned about the adverse impact that rezoning will have on property values, traffic congestion, pedestrian safety, aesthetics of the neighborhood, and divisiveness among neighborhoods. Mr. West explained that since Locksley Woods Condominiums was developed there are more joggers on York Road, and a swimming pool located immediately across York Road from lot 2 will cause even more pedestrian traffic, especially among young children. Mr. West reiterated that Brookridge should continue onto Fourteenth Street as single-family dwellings just as the other neighborhoods along Fourteenth Street have done. Mr. West stated that the City's Land Use Planning Committee will be coming forward with a new set of recommendations, and the proposed rezoning changes of these properties will preempt the new set of recommendations. Mr. West further stated that an impression had been given that both tracts must be rezoned at the same time, and this is not true because the tracts can be rezoned individually.

Mr. Cedrick Roberts, Vice President of the Quail Ridge Homeowners Association, stated that the Quail Ridge Board of Directors and the residents oppose the rezoning as requested. The request to rezone the two tracts is actually a request to interchange what is currently possible to build on the two tracts. The current zoning of Tract 2 located adjacent to Quail Ridge fits within the current structures of Quail Ridge and Brookridge. Mr. Roberts further stated that Quail Ridge Townhomes are not multi-family homes but are townhomes with property. The current zoning does not conflict with the proposed Land Use Plan, which is to be considered by the City Council in the immediate future. There are no reasons to make this zoning change except for financial gain by the owners and developers. Mr. Roberts expressed concerns about the increase in traffic if the rezoning request is approved. Mr. Roberts informed the Council that the Quail Ridge Board attempted to put in place a written agreement between Bill Clark Homes and the Quail Ridge Homeowners Association regarding the development of Tract 2 that would run with the

land if the rezoning was approved by the Council and was told that Bill Clark Homes proposes to build six buildings of Locksley Woods type condominiums with eight units each, and two of these buildings would be located 20 feet from the Quail Ridge property line. If the rezoning requests are approved, the Quail Ridge Homeowners Association will ask for the following concessions: The developer would build no more than 6 Locksley Woods type buildings with no more than eight condominiums per building; there would be no entry or exit located on Fourteenth Street; the development would have no building closer than 30 feet to the Quail Ridge property line; and a privacy fence would be built 20 feet from the Quail Ridge property line with additional vegetation between the fence and the property line. It is the opinion of the Board of Quail Ridge that the two tracts of land should be considered separately and each decided on its own merits. The rezoning of Tract 2 should be defeated so that the eventual development of the property would be in compliance with the proposed Land Use Plan. If it is the opinion of the City Council that the two requests are not possible to separate, then it is the position of Quail Ridge Homeowners Association that the single request for rezoning should be defeated.

Ed Whitehurst of 2622 Brookridge Circle spoke in opposition of the rezoning request and stated that before Locksley Woods was built, single-family homes were exclusive in the surrounding area, but that no longer applies. The residents of Brookridge feel that the developer should continue to build single-family homes and not multi-family units on the back of Brookridge homes.

Ms. Antoinette Blood of 2605 Brookridge Circle spoke in opposition of the rezoning request and stated that Quail Ridge, Windy Ridge, Tucker Estates and Brook Valley residents are not in favor of the rezoning request. Ms. Blood informed the Council that Quail Ridge and Windy Ridge are single-family townhomes with some homes being one story and others having two stories. Ms. Blood expressed concern about who would own the retention pond under the proposed rezoning and would the pond be maintained as required by the Federal Corps of Engineers or will it be abandoned. Ms. Blood expressed concerns about the traffic and entrances on York Road and asked the Council to either split the properties and rezone them both for medium density single housing or turn down the request.

Mr. Leavy Brock of 1709 Paramore Drive in Tucker East spoke in opposition of the rezoning request and stated that traffic calming meetings have already been held in Tucker Estates because of the amount of traffic in the neighborhood. Mr. Brock further stated that he was concerned about the future property value of his home and asked the Council to separate the rezoning requests or turn it down altogether.

Ms. Dorothy Sullivan of 98 Barnes Street and Resident Manager of Windy Ridge Homeowners Association stated that if the property located on the corner of York Road and Fourteenth Street is rezoned to multi-family, it could affect all of the homes in the area. Ms. Sullivan explained that condominium owners only own the interior of their home and owners of townhomes own what is above and below their home and the outside as well. There are no guarantees how the exterior or grounds of condominiums or apartments will be maintained in future years. There are 105 townhomes in Windy Ridge, and the rezoning request will hurt their property values. Also, 70% of the Windy Ridge homeowners are senior citizens. Ms. Sullivan asked the City Council

to rezone the area beside Yorkshire to single-family homes and the same for the corner of York Road and Fourteenth Street.

Mr. Robert Joyner, President of Quail Ridge Homeowners Association, spoke in opposition to the rezoning request and stated that the parcel of land has been under discussion for eight years and it would be inconsistent for the City Council to approve a rezoning request that would be incompatible with the proposed Land Use Plan. Defeating the rezoning petition will not preclude development at the present time but will force the developer to come back with a proposal that would be consistent with the proposed Land Use Plan and with the properties in the area.

Ms. Bonnie Lesko of 1851 H Quail Ridge spoke in opposition of the rezoning request and informed the Council that her property backs up to the property proposed for rezoning, and if condominiums are built with people on top of people it would be a real concern because residents living in the condominiums would be able to see into her bedroom and patio. Ms. Lesko stated that she could not afford to move and was not opposed to something being built on the property, but for Council to consider lower density.

There being no further comments, the public hearing was closed.

Council Member Little asked if Tract 2 became medium density and the proposed Land Use Plan was approved, would the Land Use Plan allow for R6A zoning, which would still be a multi-family classification similar to Quail Ridge type units. Mr. Hamilton replied that was correct, 9 units per acre maximum.

Council Member Little asked if the proposed development was built like Quail Ridge, how many units would be anticipated to be on the site. Mr. Hamilton replied that Quail Ridge has a density of 27 and Windy Ridge has a density of 28. Under the proposed scenario, the density would be between 35 and 50. The developer has shown a plan to some of the area residents with a density of 48.

Council Member Little asked how many units were approved on the site plan for Tract 1 and Mr. Hamilton replied 56 units.

Council Member Little reiterated that 56 units could be built on Tract 1 if the rezoning request was not approved, and later someone could potentially build 28 units on Tract 2 if it received approval for R6A zoning. Mr. Little then asked how many homes could go on Tract 2 if it were rezoned R6S and Mr. Hamilton replied 12 or 13 units could be built. If building single-family, 12 or 13 dwellings at the most could be built under any scenario for cluster developments.

Upon being asked who would own and maintain the retention pond, Mr. Hamilton replied that with Tract 2 the entire parcel is in one tract and would be a split zone parcel. If the property were subdivided staff would require through the Subdivision Regulations that a building site be retained in association with the detention bond. It would not be in conformance with the City's regulations to subdivide and create an unbuildable portion of land. The parcel can be split, but the owner of the property would be required to maintain the detention pond.

Council Member Dunn asked if it was possible to split the tracts and vote on them separately. City Attorney Holec replied yes, that it is Council's discretion on how to approach this proposal. The proposal before Council is to vote on both at one time, but if Council desires, the tracts can be split and voted on separately. It would be preferable to make a motion to vote on the tracts separately and to see if the motion passes, otherwise the Council would proceed with voting on both tracts at one time.

Motion was made by Council Member Dunn and seconded by Mayor Pro-Tem Miller to vote on the tracts separately. Motion failed with a 3:4 vote. Mayor Pro-Tem Miller and Council Members Dunn and Council voted in favor of the motion. Council Members Craft, Little and Glover voted in opposition. Mayor Parrott broke the tie by voting in opposition of the motion.

Motion was made by Council Member Little and seconded by Council Member Council to adopt the ordinance rezoning Tract 1 located adjacent to the northern right of-way of York Road, east of Locksley Woods Condominiums, and west of Yorkshire Cluster Subdivision from R6 to R6S and Tract 2 located at the southeast corner of 14th Street and York Road, west of Brookridge Cluster Subdivision, and north of Quail Ridge Townhomes from RA-20 to R6. Motion carried with a 5:1 vote. Council Member Dunn voted in opposition (Ordinance No. 03-104)

ORDINANCE REZONING THE BLOUNT DEVELOPMENT COMPANY PROPERTY LOCATED WEST OF THE INTERSECTION OF DUNHAGAN ROAD AND ASHBURTON DRIVE AND ADJACENT TO THE FORK SWAMP CANAL FROM R9 AND R6A TO R6A AND R9 - ADOPTED

City Manager Davis reported that notice of public hearing was published in The Daily Reflector on November 3 and November 11, 2003 setting this time, date and place for a public hearing to consider a request by Cherry Construction Company to rezone the Blount Development Company property containing 0.401 acres located west of the intersection of Dunhagan Road and Ashburton Drive and adjacent to the Fork Swamp Canal from R9 and R6A to R6A and R9. The Planning and Zoning Commission voted to recommend approval of the request at its October 22, 2003 meeting.

Mr. Hamilton delineated the property on a map and stated that the combined tracts are under 17,500 square feet. The purpose of the rezoning is to bring the zoning in line with the property boundaries to coincide with the rear property lines of the single-family lots that are part of Bedford Subdivision. The request is within the medium-density range, and the Land Use Plan Map recommends medium density.

Mayor Parrott declared the public hearing open and solicited comments from the audience.

Mr. Mike Baldwin, representing Joey Cherry of Cherry Construction Company, stated that the developer plans to build a nice upper-scale cluster detached single-family development in the proposed area.

There being no further comments, the public hearing was closed.

Motion was made by Council Member Craft and seconded by Council Member Dunn to adopt the ordinance rezoning the Blount Development Company property involving 0.401 acres located west of the intersection of Dunhagan Road and Ashburton Drive and adjacent to the Fork Swamp Canal from R9 and R6A to R6A and R9. Motion carried unanimously. (Ordinance No. 03-105)

ORDINANCE ANNEXING WINDSOR, SECTION 10, PHASES 6 AND 7, LOCATED EAST OF COREY ROAD, NORTH OF DUKE ROAD, AND OFF THE EASTERN END OF ADDISON COURT, THE NORTHERN END OF PELHAM DRIVE, AND THE WESTERN END OF HAMMERSMITH DRIVE - ADOPTED

City Manager Davis reported that notice of public hearing was published in The Daily Reflector on November 3, 2003 setting this time, date and place for a public hearing to consider a request by Bill Clark Homes of Greenville, LLC to annex Windsor, Section 10, Phases 6 and 7, involving 13.7993 acres located east of Corey Road, North of Duke Road, and off the eastern end of Addison Court, the northern end of Pelham Drive, and the western end of Hammersmith Drive. This is a contiguous annexation.

Mr. Merrill Flood, Deputy Director of Planning and Community Development, delineated the property on a map and stated that the property is located in Voting District 5. The property is proposed for 24 single-family dwellings. The anticipated population at full development is 56, with 10 being minority.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Craft and seconded by Council Member Miller to adopt the ordinance annexing Windsor, Section 10, Phases 6 and 7, involving 13.7993 acres located east of Corey Road, north of Duke Road, and off the eastern end of Addison Court, the northern end of Pelham Drive, and the western end of Hammersmith Drive. Motion carried with a 5:1 vote. Council Member Council voted in opposition. (Ordinance No. 03-106)

ORDINANCE ANNEXING SHAMROCK CLUSTER DEVELOPMENT, PHASE 4, LOCATED WEST OF EVANS STREET EXTENSION AND NORTH OF FIRE TOWER ROAD, AT THE WESTERN END OF SHAMROCK WAY - ADOPTED

City Manager Davis reported that notice of public hearing was published in The Daily Reflector on November 3, 2003 setting this time, date and place for a public hearing to consider a request by Gloria E. and William H. Clark to annex Shamrock Cluster Development, Phase 4, involving 14.8167 acres located west of Evans Street Extension and North of Fire Tower Road, at the Western end of Shamrock Way. This is a contiguous annexation.

Mr. Flood delineated the property on a map and stated that the property is located in Voting District 5. The property is proposed for 30 single-family dwellings. The anticipated population at full development is 78, with 7 being minority.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Craft to adopt the ordinance annexing Shamrock Cluster Development, Phase 4, involving 14.8167 acres located west of Evans Street Extension and North of Fire Tower Road, at the western end of Shamrock Way. Motion carried 5:1. Council Member Council voted in opposition. Council Member Council stated that she is concerned because of the annexations' impact on districts. (Ordinance No. 03-107)

ORDINANCE ANNEXING LANGSTON FARMS, SECTION 5, LOCATED EAST OF MEMORIAL DRIVE, NORTH OF THOMAS LANGSTON ROAD, AND AT THE NORTHERN END OF LANGSTON BOULEVARD - ADOPTED

City Manager Davis reported that notice of public hearing was published in The Daily Reflector on November 3, 2003 setting this time, date and place for a public hearing to consider a request by Gloria E. Clark and William H. Clark to annex Langston Farms, Section 5, involving 7.1479 acres located east of Memorial Drive, north of Thomas Langston Road, and at the northern end of Langston Boulevard. This is a contiguous annexation.

Mr. Flood delineated the property on a map and stated that the property is located in Voting District 5. The property is proposed for 24 single-family dwellings. The anticipated population at full development is 56, with 18 being minority.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Craft to adopt the ordinance annexing Langston Farms, Section 5, involving 7.1479 acres located east of Memorial Drive, north of Thomas Langston Road, and at the northern end of Langston Boulevard. Motion carried 5:1. Council Member Council voted in opposition. (Ordinance No. 03-108)

ORDINANCE ANNEXING WYNGATE, PHASE 3, LOCATED NORTH OF MACGREGOR DOWNS ROAD, EAST OF B'S BARBEQUE ROAD, AND AT THE END OF WYNGATE DRIVE - ADOPTED

City Manager Davis reported that notice of public hearing was published in The Daily Reflector on November 3, 2003 setting this time, date and place for a public hearing to consider a request by William H. Clark to annex Wyngate, Phase 3, involving 4.0568 acres located north of MacGregor Downs Road, east of B's Barbeque Road, and at the end of Wyngate Drive. This is a contiguous annexation.

Mr. Flood delineated the property on a map and stated that the property is located in Voting District 1. The property is proposed for 22 single-family dwellings. The anticipated population at full development is 54, with 3 being minority.

Mayor Parrott declared the public hearing open and solicited comments from the audience.

Mr. George Hamilton, a Greenville resident, stated that his comments were not specific to this annexation but mostly the series of annexations occurring at the meeting. Mr. Hamilton asked if there were any discussions or considerations regarding the financial impact that occurs in the City in terms of taxpayer burden or if the City actually gained financially by going through the annexation process. Mr. Hamilton referred to the rezoning of the Bill Clark Homes' property that occurred earlier in the meeting and asked if the annexation would be profitable to the developer.

City Manager Davis replied that annexations typically follow rezoning requests because developers request sewer services for areas prior to improvements being made. In terms of financial feasibility, the proposed annexation areas are circulated among City staff to check for difficulties in providing services to these areas. The revenues generated from the annexations provide for the services that are given.

There being no further comments, the public hearing was closed.

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Glover to adopt the ordinance annexing Wyngate, Phase 3, involving 4.0568 acres located north of MacGregor Downs Road, east of B's Barbeque Road, and at the end of Wyngate Drive. Motion carried 5:1. Council Member Council voted in opposition. (Ordinance No. 03-109)

ORDINANCE ANNEXING A PORTION OF LOT 1 AND LOT 3, PATTIE C. WORTHINGTON PROPERTY LOCATED ON THE EAST SIDE OF ARLINGTON BOULEVARD AND THE SOUTH SIDE OF THE NORFOLK AND SOUTHERN RAILROAD - ADOPTED

City Manager Davis reported that notice of public hearing was published in The Daily Reflector on November 3, 2003 setting this time, date and place for a public hearing to consider a request by WJ&R - BH&H Properties, LLC to annex a portion of Lot 1 and Lot 3, Pattie C. Worthington, et al property, involving 5.159 acres located on the east side of Arlington Boulevard and the south side of the Norfolk and Southern Railroad. This is a contiguous annexation.

Mr. Flood delineated the property on a map and stated that the property is located in Voting District 1. The proposed use of the property is a medical office, containing approximately 60,000 square feet. The current and proposed population of this annexation area is 0.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Little to adopt the ordinance annexing a portion of Lot 1 and Lot 3, Pattie C. Worthington, et. al. property, involving 5.159 acres located on the east side of Arlington Boulevard and the south side of the Norfolk Southern Railroad. Motion carried unanimously. (Ordinance No. 03-110)

ORDINANCE DIRECTING THE NEIGHBORHOOD SERVICES COORDINATOR TO REMOVE AND DEMOLISH PROPERTY AS UNFIT FOR HUMAN HABITATION PURSUANT TO THE MINIMUM HOUSING CODE PROVISIONS OF ARTICLE F OF CHAPTER 1 OF TITLE 9 OF THE GREENVILLE CITY CODE - ADOPTED

City Manager Davis reported that a notice of public hearing was published in The Daily Reflector on October 27 and November 3, 2003 setting this time, date and place for a public hearing to consider the ordinance to demolish or repair the structure located at 207 North Library Street and owned by Eula Mae Jackson Life Estate.

Mr. Carl Rees, Neighborhood Services Coordinator, gave an overview of the Minimum Housing Code provisions and notification procedures. Mr. Rees stated that the property is located in the Tar River/University area, and the structure was severely damaged during the Hurricane Floyd floods in 1999 and has been unoccupied since that time. The structure has been declared dilapidated, meaning it is damaged 50% more than the value of the structure. Because this was an heir property and there were complications and issues between the heirs, they were not able to participate in the hazard mitigation grant buyout program, and this has also caused some delays in the City's enforcement. The current executor is very much in favor of this action. Mr. Rees further stated that the taxes have not been paid on the property since 1999.

Council Member Council asked if the executor lived in the house. Mr. Rees replied no, the occupant was the eldest son of the woman who lived in the house. The woman passed away very shortly after Hurricane Floyd in 1999.

Council Member Glover asked if the executor was a resident of Greenville and Mr. Rees replied yes, but he was not raised in the house. This was a house that the family secured for their mother later in life.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Glover to adopt the ordinance directing the Neighborhood Services Coordinator to remove and demolish property located at 207 North Library Street and owned by Eula Mae Jackson Life Estate. Motion carried unanimously. (Ordinance No. 03-111)

ORDINANCE REQUIRING THE OWNER OF A DWELLING VACATED AND CLOSED FOR A PERIOD OF AT LEAST ONE YEAR PURSUANT TO THE ENFORCEMENT OF THE ABANDONED STRUCTURE CODE TO REPAIR OR DEMOLISH AND REMOVE THE DWELLING LOCATED AT 1210 DICKINSON AVENUE – ADOPTED

City Manager Davis reported that a notice of public hearing was published in The Daily Reflector on October 27 and November 3, 2003 setting this time, date and place for a public hearing to consider the ordinance to repair or demolish and remove the structure located at 1210 Dickinson Avenue and owned by HR & CO. Electrical CONTR., INC.

Mr. Rees stated that the property located at the corner of Fourteenth Street and Dickinson Avenue is surrounded by nice development and is within the study area for the redevelopment process. The Tabernacle Church is located across the street from the property, and Phillips Funeral Home is located next door. Also across the street from the property is Sutton Tire, a facility where a substantial investment has been made. Mr. Rees informed the Council that the property is an abandoned structure and has exterior damage from lack of maintenance and exposure to the elements. There has not been any utility service to the property since 1999, and fire damaged the home in 2000. Since 1999 the City has taken enforcement action for violations of the Nuisance Code 11 separate times, and the structure continues to represent a fire hazard as an abandoned structure.

Council Member Little asked if after the ordinance is voted on would the City proceed to demolish the structure and who would pay for the demolition. Mr. Rees replied yes, the City would proceed to demolish the structure and the cost is recorded against the property as a tax lien.

City Attorney Dave Holec informed the Council that in the case of an abandoned structure there is a 90-day period to give the owner the opportunity to demolish the structure on his own or to repair it. If this is not done within the 90 days, the City will go forward under contract to have the structure demolished and then a lien is placed upon the property.

Upon being asked if the City ever tried to collect on a lien and foreclose on the property, City Attorney Holec replied that in the past the City has relied on the action Pitt County takes as far as enforcement of tax liens. The City Council has previously instructed City staff to be more proactive with enforcement of tax liens and initiating foreclosure action. Therefore, after a lien is placed upon the property as a result of a Council ordered demolition, the City will proceed with a foreclosure proceeding to collect the lien amount.

Council Member Glover stated that she thought this property came before the previous Council and action was given then and asked why it had taken so long. Mr. Rees replied that there have been numerous cases on this property, but he was unable to find an ordinance where Council took action and approved demolition of the structure.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Little and seconded by Council Member Council to adopt the ordinance requiring the owner of a dwelling vacated and closed for a period of at least one year pursuant to the enforcement of the Minimum Housing Code to repair or demolish and remove the dwelling located at 1210 Dickinson Avenue and owned by HR & CO. Electrical CONTR., INC. Motion carried unanimously. (Ordinance No. 03-112)

ORDINANCE REQUIRING THE OWNER OF A DWELLING VACATED AND CLOSED FOR A PERIOD OF AT LEAST ONE YEAR PURSUANT TO THE ENFORCEMENT OF THE ABANDONED STRUCTURE CODE TO REPAIR OR DEMOLISH AND REMOVE THE DWELLING LOCATED AT 1223 DAVENPORT STREET – ADOPTED

City Manager Davis reported that a notice of public hearing was published in The Daily Reflector on October 27 and November 3, 2003 setting this time, date and place for a public hearing to consider the ordinance to repair or demolish and remove the structure located at 1223 Davenport Street and owned by Adail B. Barrett Estate c/o Alex Barrett.

Mr. Rees informed the Council that the property is located very close to the Community Development Block Grant 45 Block Project and the housing stock in this area is in very good condition. The structure is identified as deteriorated under the Minimum Housing Code as opposed to dilapidated. The owner of the property has shown no interest in making repairs and the structure has been secured and vacant for at least a year. Mr. Rees informed the Council that there appears to be some fire and/or heat damage inside the structure in addition to considerable deterioration inside and outside the structure. There have been 20 separate code enforcement actions on this property since 1998 and chronic minimum housing problems since 1999. The utilities were disconnected in 2001, and the property taxes have not been paid since 1993. As a vacant property, the structure represents a fire hazard to the surrounding properties.

Mayor Parrott declared the public hearing open and solicited comments from the audience.

Mr. John May stated that he and his mother reside at 1225 Davenport Street, which is located next door to the property in question. Mr. May informed the Council that the property has been abandoned and the young man who primarily lives there has been in and out of jail and does not have any gainful employment through which to take care of day to day living operations. As a result, Mr. May is facing a lot of problems with bugs and has had exterminators in his home 5 times since August 2003. The exterminators have concluded that the Mays have a migration of bugs coming from the property in question.

There being no further comments, the public hearing was closed.

Ms. Glover informed the Council that she had talked with Ms. May numerous times regarding the property, and it has been an eyesore. Mr. Barrett has been a bad property owner, and there has been a lot of drug trafficking on the property even though it is abandoned. Ms. Glover stated that she supports the demolition because the property has really been bad for the community.

Motion was made by Council Member Craft and seconded by Council Member Council to adopt the ordinance requiring the owner of a dwelling vacated and closed for a period of at least one year pursuant to the enforcement of the Minimum Housing Code to repair or demolish and remove the dwelling located at 1223 Davenport Street and owned by Adail B. Barrett c/o Alex Barrett. Motion carried unanimously. (Ordinance No. 03-113)

ORDINANCE TO AMEND TITLE 9, CHAPTER 2, SECTIONS 9-2-2 AND 9-2-3,
CONCERNING THE COMPOSITION AND TERMS OF THE PLANNING AND ZONING
COMMISSION MEMBERSHIP - ADOPTED

City Manager Davis reported that notice of public hearing was published in The Daily Reflector on November 3 and 10, 2003 setting this time, date and place for a public hearing to consider a request by the Planning and Community Development Department at the direction of City Council to amend Title 9, Chapter 2, Sections 9-2-2 and 9-2-3, concerning the composition and terms of the Planning and Zoning Commission membership. The Planning and Zoning Commission voted to recommend approval of the request at its October 22, 2003 meeting.

Mr. Flood informed the City Council that in September 2003 the Lakewood Pines Neighborhood Association requested there be a "suggested interest" when appointments are made on the Planning and Zoning Commission. The City Council gave staff direction to develop an ordinance that specified the desire of City Council that when making appointments to the Planning and Zoning Commission a "suggested interest" would be considered and not mandatory slotting.

Mayor Parrott declared the public hearing open and solicited comments from the audience.

Mr. George Hamilton, a resident of the Lakewood Pines neighborhood, stated that the ordinance will be an improvement and allow the Lakewood Pines neighborhood to have an impact on the composition of the Planning and Zoning Commission and give a better balance representation for the neighborhoods and citizens of Greenville. Mr. Hamilton expressed concern regarding the outcome of the rezoning of the Linda M. Perry and Jean M. Averette property and stated that there was not adequate representation from all the citizens of Greenville, particularly from the people in the surrounding neighborhoods.

Council Member Craft stated that he had problems with some of the statements made by Mr. Hamilton because he lived in Quail Ridge, and the residents of Quail Ridge specifically told him they did not have a problem with the rezoning request. Mr. Craft further stated that he had met with the neighborhoods in the area and that only three people had called him and stated they opposed the rezoning.

There being no further comments, the public hearing was closed.

Motion was made by Council Member Craft and seconded by Council Member Little to adopt the ordinance amending Title 9, Chapter 2, Sections 9-2-3, concerning the composition and terms of the Planning and Zoning Commission Membership. Motion carried unanimously. (Ordinance No. 03-114)

PRESENTATION ON THE 2004 SPECIAL OLYMPICS STATE BASKETBALL
TOURNAMENT

Mr. Boyd Lee, Director of the Recreation and Parks Department, stated that Greenville had been chosen as the site for the 2004 Special Olympics State Basketball Tournament. Mr. Lee informed the City Council that Mr. Kelvin Yarrell with the Recreation and Parks Department

was nominated this year and placed in the top 10 in the nation for Young Minority of the Year in his profession by the National Recreation and Parks Association.

Mr. Kelvin Yarrell thanked the Mayor and City Council on behalf of the athletes, volunteers and coaches for supporting the Special Olympic programs locally. Mr. Yarrell introduced Mr. Keith Fishburne, Director of North Carolina Special Olympics, and called on him to make a presentation about the 2004 Special Olympics State Basketball Tournament to be held in Greenville.

Mr. Keith Fishburne informed the City Council that Special Olympics is a year-round sports program for individuals with mental retardation. North Carolina was recently honored, after a global athlete count, as the largest Special Olympics program in all of North America with over 32,000 athletes training and competing in communities all over the State. In Greenville and Pitt County there are over 1,300 children and adults with mental retardation who are active in the Pitt County Special Olympics Program, which is under Mr. Yarrell's leadership. Mr. Fishburne thanked the City Council on behalf of the statewide program and the Board of Directors for their support.

Mr. Fishburne stated that the State Basketball Tournament will be held in Greenville the weekend of March 19 - 21, 2004, and there will be approximately 800 athletes from 45 counties coming into the area. Special Olympics North Carolina has budgeted and will spend \$170,000 providing hotels and meals for all of the athletes and coaches when they come into town. The family members and guests will also have an additional economic impact on the Greenville/Pitt County community. Mr. Fishburne informed the Council that there will be a kick-off celebration on Thursday, November 20, 2003. Mr. Fishburne presented Mayor Parrott with a plaque for the City of Greenville for outstanding service and support to the Special Olympics movement and in helping provide competition to people with mental retardation.

Mayor Parrott thanked Mr. Fishburne for selecting Greenville and Pitt County to host the statewide event and promised that Greenville will be a good host.

PRESENTATION OF THE FY 2002-03 AUDIT BY MARTIN STARNES AND ASSOCIATES, CPAS, P.A.

Ms. Bernita Demery, Director of Financial Services, informed the City Council that Greenville had received an unqualified opinion from Martin Starnes & Associates, CPAs, P.A. and there were no findings or questionable costs and no management letter to respond to. Greenville has also maintained its AA Bond Rating. Ms. Demery stated that property taxes and sales taxes remain the City's two largest revenue sources, and there was growth in the City's assessed value reaching the \$3 billion mark. Sales taxes were up for the year because of the implementation of the new sales tax on December 1, 2002, which was in lieu of reimbursements that the State took during the last fiscal year. The City's revenues exceeded expenses, which is a trend that staff would like to continue. The City's largest expense category is public safety, which is police and fire, and that totals 41% of City expenses. The City has approximately \$126 million in debt with \$73 million being revenue bonds and other utility debt. The City's debt capacity, the legal debt margin, is significantly higher than that. The City's goal for the last four years has been to start

transferring money back to capital reserve. Greenville is now able to do this based on the results of the audit, the last fiscal year and the 2003-04 fiscal year.

Council Member Little asked for the formula. Ms. Demery replied that the formula includes the current year budget, the state requirements that are between 8 and 12 percent, and then subtractions are made from Fund Balance for the designated portion and reserve portion and any excess over the formula of 8 to 12 percent can be transferred to capital reserve. Greenville is able to transfer money to capital reserve because the City's revenues are 3% over budget, expenses are 9% under budget, and the City Council took good action during a slow economy and that helped the City get to this point.

Mr. Bryan Starnes with Martin Starnes & Associates, CPAs, P.A. reiterated that the audit was an unqualified opinion with there being no findings and questionable costs. Mr. Starnes stated that there were no internal control weaknesses, and the overall impression of the whole financial department is excellent. Based on information received from the Local Government Commission, the City's fund balance is also in a good position. Mr. Starnes further stated the City Council will receive a book containing the Certificate of Excellence from the Government Finance Officers Association. This is an accomplishment that goes beyond what is required.

Mayor Parrott thanked the department heads, the City Manager and Ms. Demery for everything they do to keep the City on solid ground.

Motion was made by Council Member Dunn and seconded by Council Member Glover to accept the financial report. Motion carried unanimously.

CONSIDERATION OF AN AGREEMENT WITH THE FERGUSON GROUP FOR CONSULTING SERVICES - APPROVED

Motion was made by Council Member Little and seconded by Council Member Craft to approve the agreement with the Ferguson Group for consulting services. Motion carried unanimously. (Contract No. 1215A)

CONSIDERATION OF A RESOLUTION AUTHORIZING A GRANT APPLICATION TO THE GOVERNOR'S HIGHWAY SAFETY PROGRAM FOR THE REGION 1-B LAW ENFORCEMENT LIAISON REGIONAL COORDINATOR - ADOPTED

Motion was made by Council Member Dunn and seconded by Mayor Pro-Tem Miller to adopt the resolution authorizing a grant application to the Governor's Highway Safety Program for the Region 1-B Law Enforcement Liaison Regional Coordinator. Motion carried unanimously. (Resolution No. 03-51)

ORDINANCES AMENDING THE 2003-04 BUDGET AND THE CEMETERY DEVELOPMENT PROJECT BUDGET - ADOPTED

Ms. Demery stated that the City was reallocating funds for the following: (1) a football grant to Recreation and Parks in the amount of \$2,600 that was received last year and the balance remaining to be spent is \$1,800, (2) the purchase of the Pepsi-Cola Warehouse located at 1809

Dickinson Avenue, (3) recognizing an additional National Recreation and Parks Grant for \$1,000 for 2003-04, (4) expenditures relating to the Law Enforcement Block Grant that was received after the budget was adopted, (5) the purchase of two K-9 kennels, (6) part-time salaries in the City Clerk's office to update the cemetery database, (7) Human Resources for an eye wash station and ice maker, and (8) Neighborhood Services for grants in the amount of \$3,000 that was erroneously left out of the budget.

Motion was made by Council Member Dunn and seconded by Mayor Pro-Tem Miller to adopt the 2003-2004 Budget Ordinance Amendment and the Cemetery Development Project Budget Ordinance Amendment. Motion carried unanimously. (Ordinance Nos. 03-115 and 03-116)

CONSIDERATION OF ACQUISITION OF AN INTEREST BY SUBSTANTIAL DONATION
IN THE KEEL WAREHOUSE AT 1705-1717 DICKINSON AVENUE - APPROVED

City Attorney Holec informed the City Council that the Keel Warehouse property consists of approximately 4.3 acres and is the site of a former tobacco sales warehouse. The property is bounded by Dickinson Avenue, Watauga Avenue, Skinner Street and the railroad right of way. The owners of the property are James Lindsey Worthington, Tull Worthington and Fenner Allen. The property has a tax value of \$457,590 and has been appraised at \$607,000. Two of the three owners, Tull Worthington and Fenner Allen, have indicated that they will donate their interest in the warehouse to the City provided that the City reimburses them for their share of the taxes currently due and the expense of an appraisal of the property. The total payment for the two-thirds undivided interest in the property will be \$6,211.82. The third owner, James Lindsey Worthington, has determined at this time not to take the same route as the other two owners. If the City accepts the donation, then the City would have a two-thirds undivided interest and the City would share the interest with the third owner. A motion by the Council is required to approve the purchase.

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Council to approve the acquisition of an interest in the Keel Warehouse at 1705-1717 Dickinson Avenue. Motion carried unanimously. (Contract No. 1293 and 1294)

CONSIDERATION OF A SEWER TAP OUTSIDE THE EXTRATERRITORIAL
JURISDICTION - APPROVED

City Manager Davis informed the Council that Pitt County has undertaken the construction of a fire-rescue building to be located adjacent to North Pitt High School and would like to tie into the sewer force main that serves the Town of Bethel. A motion by Council is required when there is a request for a sewer tap outside the City's extraterritorial jurisdiction.

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Council to approve the sewer tap as requested by Pitt County. Motion carried unanimously.

ORDINANCE AMENDING THE REGULAR MEETING TIMES OF THE CITY COUNCIL - ADOPTED

Motion was made Mayor Pro-Tem Miller and seconded by Council Member Craft to adopt the ordinance amending the meeting time for the regular meetings of City Council held on the second Monday after the second Thursday from 7:00 p.m. to 6:00 p.m. Motion carried unanimously. (Ordinance No. 03- 117)

CONSIDERATION OF AN AMENDMENT TO THE PAY PLAN - APPROVED

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Little to approve the amendment to the pay plan establishing a second Deputy City Manager position in the classification and pay plan at grade 34. Motion carried unanimously.

REPORT ON BIDS AWARDED

City Manager Davis informed the Council that the following bids had been awarded:

<u>Date</u>	<u>Item Description</u>	<u>Awarded To</u>	<u>Amount</u>
10/23/03	Two (2) Front-End Loader Backhoe Tractors Public Works/Street & Storm Water (* \$65,044 each)	Briggs Construction Equipment Company	\$130,088.00*

Comments from Mayor and City Council

Council Member Dunn stated that November was a month that as a nation we have Thanksgiving, and she thought it fitting to say a word of appreciation to the City staff, City Manager, Deputy City Manager, the ten department heads and 600+ employees. Council Member Dunn further stated that as a Council they had made a lot of policies and implemented things such as revitalization of West Greenville, the 10th Street Connector, and changes in the Police Department. Council Member Dunn asked the Council Members to pat themselves on the back and expressed a big thank you to the citizens of Greenville who worked hard and participated in City government and thanked the staff for a job well done. She wished everyone a Happy Thanksgiving.

Council Member Council informed the Council that the Pitt-Greenville Convention and Visitors Authority had an especially good report for the month of September. The City's September occupancy tax was highest because of the number of people who came to Greenville to stay during Hurricane Isabelle. The Convention and Visitors Authority has also received a contract from the North Carolina League of Municipalities to complete and begin the process of hosting the North Carolina League of Municipalities Convention in Greenville in 2009. The League will need 1,500 to 1,800 hotel rooms during this convention. Ms. Council stated that this Saturday the area young people will have an opportunity to attend a youth program at the fairgrounds and become entrepreneurs for the day. Also, the Caring is Sharing Food Drive KidsFest will be held at the Town Common and youth are being asked to bring two cans of food and participate in fun

activities. Council Member Council thanked the Omega Psi Phi Fraternity for their upcoming awards ceremony for several young people in the community, which will be held on Sunday, November 16, 2003 at the York Memorial AME Church at 4:00 p.m. Also, Pitt Community College will be honoring Mr. Raymond Redrick, a former principal at the Sally Branch School, now the Belvoir Elementary School. Council Member Council stated that Greenville must start a Youth Council for the upcoming two years.

Mayor Pro-Tem Miller wished everyone a Happy Thanksgiving.

Council Member Glover informed the City Council that the Chancellor's Community Advisory Council formed through Dr. Muse, Past Chancellor, is a very diverse group of people from Greenville and areas around Pitt County who want to help the community. Dr. Feldbush, Chair and Mr. Don Easley, Co-Chair, talked on the radio today and introduced the members of the Chancellor's Community Advisory Council and discussed ways to help the community and the partnership between ECU and the community. The meetings are open to the public.

Council Member Little asked City staff to communicate with the residents in the Ed Warren property area regarding drainage problems that seem to be a major concern of the residents in that area.

Council Member Craft stated that there was an article in The News and Observer regarding making rental property better, and copies are going out to City Council along with an 80-page study prepared by the City of Raleigh. Council Member Craft informed the City Council that he and the Mayor had the privilege of being a part of the announcement that the Hooters Professional Golf Tour will be coming to Greenville in June 2004. The tour should have approximately a quarter million dollar impact on Greenville's economy. This is a weeklong event that will reach out to the youth in the area. Kids will have the opportunity to be part of clinics, caddies and amateur golfers will have opportunities to team up and play in a pro-am. Council Member Craft thanked Hooters and other new businesses such as Panera Bread who have come to Greenville and gotten involved in the community. Panera Bread recently hosted a fundraiser for the Boys and Girls Club.

CITY MANAGER'S REPORT

Good News Report

City Manager Davis informed the City Council that a partnership between the Planning and Community Development Department and Habitat for Humanity was able to provide a demolition grant to a homeowner on McClellan Street whose property was in very poor condition and was in need of a new house. Habitat was able to build the new house back on the site and said had it not been for the demolition grant the project would have been to far out of reach for Habitat to do anything.

City Manager Davis informed the City Council that Caring is Sharing is a City food drive in partnership with Greenville Utilities Commission, Cox Cable TV and many other agencies. Larry Suggs with the Fire/Rescue Department is chairing the drive this year. The six agencies that will receive food from the drive are the Pitt County Council on Aging, Salvation Army, Joy

Soup Kitchen, New Directions, Greenville Community Shelter, and the Winterville Senior Citizen's Club.

Consideration of Canceling the Third Meeting of the Month - November 24, 2003

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Dunn to cancel the November 24, 2003 City Council meeting. Motion carried unanimously.

Reminder of Community Holiday Tree Lighting on Friday, December 5, at 8:00 PM and the Holiday Parade on Saturday, December 6, at 12:00 Noon

City Manager Davis reminded the City Council of the Community Holiday Tree Lighting on Friday, December 5, at 8:00 p.m. and the Holiday Parade on Saturday, December 6, at 12:00 noon.

CLOSED SESSION

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Glover to go into closed session to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; and to establish or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the amount of compensation and other material terms of an employment contract or proposed employment contract. Motion carried unanimously.

OPEN SESSION

Motion was made by Council Member Craft and seconded by Council Member Little to return to open session. Motion carried unanimously.

Motion was made by Mayor Pro Tem-Miller and seconded by Council Member Council to do the following:

1. Acknowledge that Marvin W. Davis is to be appointed as Deputy City Manager at the same salary and benefits he currently receives with the appointment to be effective upon the effective date of the appointment of another person to the position of City Manager.
2. Accept the resignation of Marvin W. Davis from the position of City Manager with the resignation to be effective upon the effective date of the appointment of another person to the position of City Manager.
3. Approve an amendment to the Memorandum of Agreement with Marvin W. Davis to address him being Deputy City Manager under the direction, supervision, and removal authority of the City Manager in accordance with the City of Greenville personnel policies.

4. Authorize the commencement of the process of a search for a City Manager.
5. Approve a merit increase for City Clerk Wanda T. Elks so that effective November 15, 2003, her annual salary is \$62,000.
6. Approve a merit increase for City Attorney David A. Holec so that effective November 15, 2003, his annual salary is \$107,400 with a monthly car allowance of \$200.

Motion carried unanimously.

Council Member Dunn made the following statement: "I think it goes without saying that a significant decision has been made tonight. I want you, my fellow Council Members and the Mayor, to know that while I did not support this decision I am and will be in full support of seeking to employ the best City Manager we can find. The democratic process has spoken, and now we need to move on to do a national search and employ someone that is trained and experienced in municipal government. It is to this end that I will work most diligently. I am glad that Mr. Davis will remain as an employee of the City."

ADJOURN

Motion was made by Council Member Craft and seconded by Mayor Pro-Tem Miller to adjourn the meeting at 10:55 p.m. Motion carried unanimously.

Respectfully submitted,

Patricia A. Sugg
Deputy City Clerk